

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRANK NALI,

Plaintiff,

v.

Case No. 06-10205

MICHIGAN DEPARTMENT OF
CORRECTIONS, et al.,

HONORABLE AVERN COHN

Defendants.

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**ORDER REGARDING PLAINTIFF'S OBJECTIONS TO
REPORT AND RECOMMENDATION**

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff is pro se. The matter has been referred to a magistrate judge for pre-trial proceedings, and before whom the City of St. Louis filed a motion to Dismiss. On January 8, 2008, the magistrate judge issued a report and recommendation (MJRR) recommending that the motion be granted and certain defendants associated with the City of St. Louis be dismissed. Plaintiff did not timely object. Accordingly, on February 4, 2008, the Court entered an Order Adopting Report and Recommendation and Granting the City of St. Louis's Motion to Dismiss and Dismissing Plaintiff's Claims Against the Mayor of St. Louis (Unidentified), R. McCorkie, M. Prysby, and S. Mephan.

Before the Court are plaintiff's objections to the MJRR, dated January 30, 2008 and received by the Court on February 4, 2008. Plaintiff acknowledges that the objections were not filed within ten days of the MJRR, but says that due to a mailing error, he did not receive the MJRR until January 28, 2008. Under the circumstances,

the Court accepts plaintiff's objections.

Having reviewed the objections, the Court is satisfied that the magistrate judge did not err in the MJRR in recommending that the City of St. Louis's motion be granted and certain defendants be dismissed. Plaintiff's objections essentially present the same arguments considered and rejected by the magistrate judge. To the extent plaintiff presents new arguments, the Court is not convinced that the new arguments warrant a rejection of the MJRR.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: February 7, 2008

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record and Frank Nali, 449422, Pugsley Correctional Facility, 7401 E Walton Road Kingsley, MI 49649 on this date, February 7, 2008, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160